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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,315	05/24/2001	Eric Saurel	Q64632	1360

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/863,315

Applicant(s)

SAUREL ET AL.

Examiner

Brenda A Lamb

Art Unit

1734

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Brenda A Lamb
Primary Examiner
Art Unit: 1734

09/863,315

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argument of the non-obviousness of modifying the Kar et al apparatus such that the sleeve is extended upstream of the grid to accommodate the guide die or entry die since there is no teaching in time saving if one aligns the longitudinal axes of the entry die and exit die by extending the sleeve upstream is found to non-persuasive. Kar et al teaches at column 6 lines 24-26 that location of the sizing die within the flow distribution sleeve facilitates the precise alignment of their longitudinal axes. Therefore, it would have been obvious to modify the Kar et al apparatus by extending sleeve 63 in a direction upstream of the grid or provide an upstream part to receive the entry die for the obvious reason to expect similar benefits taught by Kar et al for making integral the grid and die support/downstream part/receiver for the exit die, thereby facilitating alignment of both the entry and exit die with the longitudinal axis of the grid.

The reliance of the Guillemette et al as applied to Kar et al is not new as argued by applicant rather applicant's arguments regarding the axial displacement of the entry die is presumed to apply all claims in the instant application including dependent claims 4 and 7 in which the combination of Guillemette et al and Kar et al were applied.

Applicant's argument that if one were to make the Kar et al entry die and sleeve as a unitary structure or one piece as set forth in final office action at pages 5-6 then this structure would not meet the requirements for a separate entry die disposed in the die support is found to be non-persuasive. Kar et al teaches at column 6 lines 26-27 that the sizing die and flow distribution sleeve as a unitary structure. The term "unitary" as defined as Merriam-Webster's Third New International Dictionary of The English Language Unbridged is "made up of discrete units (a unitary loudspeaker with four speaker units associated in a single assembly)". Therefore, the Kar et al sleeve and die unitary structure does not require the structure be made from one piece as argued by applicant rather the Kar et al unitary structure with sleeve and die is open to one wherein the die, shown as disposed in or received by the sleeve/grid, and sleeve/grid are discrete or separate units which are associated to form a single assembly.

Applicant's argument that there is no disclosure for making an additional modification of expanding the inside diameter of the flow distribution chamber at the upstream end so its diameter is greater than the grid is found to be non-persuasive. Kar et al in Figures 2 and 5 show the opposite ends of the sleeve or grid are enlarged as defined with a radial wall extending so as to form a flange. Kar et al teaches the flange or enlarged opposite ends of the grid or sleeve are needed to space the grid or sleeve from the housing and form the inner flow chamber. Therefore, if one desires to use one of Kar et al coating applicators which do not have a flow chamber or annular chamber which is formed within the housing, it would have been obvious given the modifications of the Kar et al sleeve with an upstream and downstream part to enlarge the upstream and downstream part for respectively the entry and exit die.

Applicant's arguments of expanding the inside diameter of the flow distribution sleeve at the upstream end so its diameter is greater than diameter of the grid is found to be non-persuasive since it is not commensurate in scope with claim language since the diameter since the diameter as set forth at line 2 of claims 2 and 5 is not limited to the inner diameter as argued by applicant rather is open to either the inner or outer diameter.

Applicant's argument with respect to claims 3-4 and 6-7 are persuasive and the rejection of claims 3-4 and 6-7 are withdrawn.

Claims 3-4, 6-7, 9-10, 12-13, 16-17 and 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Brenda Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday through Tuesday and Thursday through Friday with alternate Wednesdays off.